

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

Wednesday, March 17, 1976

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

Prayer by Representative John Joyce of Portland.

The journal of yesterday was read and approved.

**Reports of Committees
Ought to Pass with
Committee Amendment
Amended in Senate
Tabled and Assigned**

Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-433) on Bill "An Act to Revise the Personnel System" (S. P. 677) (L. D. 2166)

From the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-433) and Senate Amendment "A" (S-434).

In the House, the Report was read. (On motion of Mrs. Najarian of Portland, tabled pending acceptance of the Report in concurrence and specially assigned for Friday, March 19.)

Non-Concurrent Matter

Bill "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of Federal Taxable Estate" (H. P. 1951) (L. D. 2142) which was Passed to be Engrossed as Amended by House Amendment "A" (H-948) in the House on March 3, 1976.

Came from the Senate with the Bill and all accompanying papers indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

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

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that the House recede and concur.

The gentleman may proceed.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have read the tea leaves and am well aware of the future of this bill during the present session. I hope I can preside over its demise with dignity and a stiff upper lip.

This attempt to remove many small legatees from the burden imposed by inheritance taxes, this attempt to increase the efficiency of the Department of Taxation and reduce the state payroll, has gone down to defeat from two sides. There were those who were destructively opposed, the life insurance industry, to be specific, who will oppose this measure forever. There are those who were constructively opposed, who saw some minor defects but who tell me that they would like to improve the bill and will assist another time around.

However, I would like to remind you people that this was real tax reform and it will have its day. I trust that you will not oppose the motion to recede and concur.

Thereupon, the House voted to recede and concur.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and were referred to the following Committee:

Education

Bill "An Act Relating to the Effective

Dates for School Lunch Programs and Occupational Safety and Health in Public Employment" (H. P. 2207) (Presented by Mrs. Lewis of Auburn)

Bill "An Act to Provide for a Line Budget Procedure for All School Systems" (H. P. 2208) (Presented by Mr. Dam of Skowhegan) (Cosponsors: Messrs. Wilfong of Stow, McMahon of Kennebunk, Greenlaw of Stonington)

Committee on Reference of Bills suggested the Committee on Education.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would call your attention to item 2 which would provide for a line budget procedure for all school systems. I would strongly suggest that this coming weekend you do everything in your power to get in touch with as many people in your locality as possible.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to draw your attention to this piece of legislation, too. I personally consider it a very dangerous piece of legislation. It would put the determination of budget levels on our school systems out onto the floor of public meetings and all of the heat and fever that goes with winning and losing ballgames, teams, and all of those considerations, rather than in the more measured and considered atmosphere of board meetings. I think it is extremely dangerous and I hope that you do get well acquainted with what its implications are.

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

Mr. DAM: Mr. Speaker and Members of the House: I, too, wish every member of this House would get together with their people, and when I say their people, I am referred to the average taxpayer and not to the administration of the schools. This is one of the better bills to come before this legislature. It turns the power over to the people. It would do nothing as far as disrupting school budgets, because the people could cut and specify where they wanted to cut, and if they wanted to transfer money, it would still allow the directors to do that.

I hope this weekend when you do get back, you talk with the average taxpayer and see what they want.

Thereupon, the Bills were referred to the Committee on Education, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**Study Report
Legal Affairs**

Mr. Burns from the Committee on Legal Affairs to which was referred the study relative to Bill "An Act Relating to the Regulation of Private Detectives and Watch, Guard and Patrol Agency" (H. P. 471) (L. D. 570) and Bill "An Act Relating to Licensing and Fee Requirements for Private Detective, Watch, Guard, or Patrol Agencies" (H. P. 1299) (L. D. 1575) pursuant to H. P. 1607 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 Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives" (H. P. 2211) 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 Legal Affairs, ordered printed and sent up for concurrence.

Orders

Mr. Gray of Rockland presented the following Joint Resolution and moved its adoption: (H. P. 2201) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 11)

Joint Resolution Memorializing the Honorable Benjamin F. Bailar Postmaster General of the United States and the Citizens Stamp Advisory Committee to Order the Issuance of a Special Stamp Commemorating General Henry Knox.

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Special Session of the One Hundred and Seventh Legislative Session now assembled, most respectfully present and petition the Honorable Benjamin F. Bailar and the Citizens Stamp Advisory Committee, as follows:

WHEREAS, the American cause was in mortal danger in the winter of 1775-76. The Americans had the British penned up in Boston, with the Redcoats being unaware of the artillery shortages existing within the rebel ranks; and

WHEREAS, America might have lost its fight for nationhood in its infancy if General Henry Knox, a bookseller turned soldier, had not delivered the guns which allowed George Washington to strengthen his fledgling army and liberate Boston; and

WHEREAS, with the big guns from Fort Ticonderoga, Washington could defend his own siege positions, command Boston, and prevent the arrival of British supplies from the seas; and without them, the English would have massed enough men and equipment and sallied forth and crushed the Revolution; and

WHEREAS, Knox, a military amateur at that time, who had helped engineer the fortifications, came to Washington with a plan to go after the guns captured from the British at forts on Lake Champlain; and

WHEREAS, it is recognized that General Knox performed a monumental deed by hauling 60 tons of artillery and supplies from Fort Ticonderoga in New York, across the length of Massachusetts to Boston in the dead of winter that numbed horses and oxen and terrified men; and

WHEREAS, for more than 300 miles they pulled and pushed their cargo on rough-hewn sleds over treacherous mountain trails, through deep woods, across frozen lakes and rivers which often cracked under the weight, and through smothering snow; and

WHEREAS, when animals refused to struggle on, men pulled an impossible load, and when men hesitated, Knox's own assurance and courage kept them going and rallied the countryside to their aid; and

WHEREAS, it was impossible, but Knox, with a new Colonel's commission, and just 25 years old, set out for New York on November 17, 1775, racing as best he could on horseback over frozen roads, and thus he and his brother, William, reached Fort Ticonderoga on December 5th; and

WHEREAS, Knox selected 59 guns captured the previous spring by Ethan Allen and Benedict Arnold with total weight of 120,000 pounds which were loaded onto 3 boats; and

WHEREAS, Knox hurried south to

prepare the land route, while William, meanwhile, began the 33-mile voyage down Lake George through a channel in the ice, which stretched a mile from each shore of the narrow lake, and on the first day out a boat struck a sunken rock and was freed only after exhausting labor; and

WHEREAS, halfway down the lake, the big scow struck again and sank in shallow water, and the guns were lifted from icy water by freezing hands and repairs to the scow were made in the middle of the lake, which allowed the priceless artillery to arrive at the southern end of the lake; and

WHEREAS, everything was transferred to 42 sledges pulled by 80 teams of oxen, and along crude roads, Indian trails, or none at all, through 3 feet of fresh loose powder; and they made no better than 2 miles a day, all at so great a strain that oxen and horses gave out and were abandoned with men often pushing the sleds; and

WHEREAS, while crossing the Mohawk River above Albany, one of the sledges crashed through the ice and sank and the precious cargo was fished out by frozen men; and

WHEREAS, when things seemed unendurable, Knox rallied the people of the countryside who came forth with fresh horses and men but only to be stalled again in Albany with thin ice; and

WHEREAS, Knox spent the first days of 1776 cutting holes in the ice to force up water which froze in layers, thickening the ice on the Hudson River until it could bear the weight of heavy guns; and

WHEREAS, south of Albany a sleigh shattered under its load and detained the column, but Knox plunged east into the Berkshires and reached Monterey, Massachusetts, on January 10th, and in his words, "after having climbed mountains from which we might almost have seen all the kingdoms of the earth;" and

WHEREAS, when the teamsters feared to descend the mountain with their heavy load, it was Knox who rallied them again and again through the snow, the icy winds and the thick forests; and

WHEREAS, Knox arrived at Washington's camp with an advance contingent on January 18th, and "the noble train or artillery," as he called it, was delivered on January 24, 1776, 47 days after leaving Ticonderoga; and

WHEREAS, on March 2nd, Knox's guns began shelling Boston, and on March 17th the British evacuated the city, a date still celebrated annually by Bostonians; and

WHEREAS, "the Tories were repelled; the rebels were relieved and the cradle of liberty was free;" and

WHEREAS, the man who performed this herculean task and perhaps saved his country was the least likely person in Washington's command to receive such a trust. When he was only 9 years old, Henry was forced to leave school and support his mother and 3-year-old brother with a job at a bookstore where he continued his education; and

WHEREAS, with nothing but book-learning to guide him, Knox aided in designing and building siege fortifications about Boston to which George Washington expressed great pleasure and surprise; and

WHEREAS, eventually, Knox became chief of artillery for the Continental Army and one of Washington's closest friends and trusted lieutenants and became active in most of the major battles of the Revolution; and

WHEREAS, Knox showed a facility at

artillery warfare which continually amazed his learned British opponents and French allies alike and he designed a new gun carriage which enabled him to engage guns in greater number and mobility than Europeans had done; and

WHEREAS, it was Knox who personally directed the transport of Washington's troops across the Delaware on Christmas night, 1776, with "stentorian lungs and extraordinary exertions," for which he was awarded the rank of Brigadier General; and

WHEREAS, Knox was with Washington at Valley Forge and at Yorktown, he organized a military academy for the new army and he was the first to embrace Washington in farewell at war's end; and

WHEREAS, this self-taught bookseller-soldier became a Major General and succeeded Washington as Commander of the Army after the war; and

WHEREAS, Knox became the country's first Secretary of War in Washington's Cabinet, and later enjoyed success as a businessman and country squire on his estate in Thomaston, Maine; and

WHEREAS, it was Henry Knox who represented young America, this self-made general, too unsophisticated to be cowed by the impossible, and with that exquisite American capacity to do what couldn't be done, simply because it was there, and he was there, and it needed doing, and he knew he could do it when few others would dare try; now, therefore, be it

RESOLVED: That We, your Memorialists, in view of this outstanding General and his record of accomplishments, recommend and urge the Honorable Benjamin F. Bailar, Postmaster General of the United States and the Citizens Stamp Advisory Committee to take appropriate action by ordering the issuance of a special stamp commemorating General Henry Knox; and be it further

RESOLVED: That copies of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Benjamin F. Bailar, Postmaster General, and the Honorable Members of the Citizens Stamp Advisory Committee, Mr. Ernest Borgnine, Dr. James Mutejka, Dr. Virginia Noelke, Mr. John Sawyer, Mr. John Thomas, Dr. Dorothy Worcester, Mr. Belmont Faries, Mr. Stevan Dohanos, Mr. Bradbury Thompson, Mr. James Conlon, Mr. J. Carter Brown, Mr. Franklin Bruns, Mr. Emerson Clark and Mr. James Wyeth; and be it further

RESOLVED: That the Secretary of State be directed to transmit forthwith suitable copies of this Memorial to the Vice President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress and to each Member of the Maine Congressional Delegation.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: My remarks will be considerably more brief than the resolution. However, if you ever visit the Knox home in Thomaston, no doubt you will be handed a brochure, and in that brochure it describes General Knox as a man well remembered by his contemporaries and nearly forgotten by his descendants. I didn't realize how true

that was until I attempted to secure a commemorative stamp in his honor.

I went to Washington specifically for this. I spent half a day trying to find the office and the rest of the day trying to explain who General Knox was. When I returned in this session, I asked Legislative Research if they would prepare a Joint Resolution memorializing the Postmaster General to issue a commemorative stamp. There again, from Legislative Research, I got a blank stare and was asked if I could furnish the material. So I gathered up what information I had, took it to Legislative Research, and Dave said, "I didn't realize you were a historian." He wanted to edit it down considerably and I said nothing doing, you had your chance.

America might have lost its fight for nationhood in its infancy if General Knox, a bookseller turned soldier, had not delivered the guns which allowed George Washington to strengthen his fledgling army and liberate Boston.

Colonel Knox of the Artillery came to camp, General William Keefe entered in his journal on January 18, 1776. He brought from Fort Ticonderoga a fine train of artillery. This was a modest recognition for a monumental deed. Knox had hauled 60 tons of artillery and supplies from Fort Ticonderoga in New York, across the length of Massachusetts to Boston in the dead of winter. For more than 300 miles they pulled and pushed their cargo on rough-hewn sleds over treacherous mountain trails, through deep woods, across frozen lakes and rivers, which often cracked under the weight, and through smothering snow like we are experiencing today.

When animals refused to struggle on, the men pulled the impossible load, and when men hesitated, Knox's own assurance and courage kept them going and rallied the countryside to their aid.

The American cause was in mortal danger in the winter of 75-76. The Americans had the British pinned down in Boston, but if the Red Coats had known just how short of supplies the Rebels were, they might have crushed the Revolution. Washington's skill in keeping his weakness a secret only resulted in criticism from his own troops and Congress, but with the guns from Fort Ticonderoga, Washington could defend his position, command Boston and prevent the arrival of British supplies from the seas. Without them, it was a matter of time before the English massed enough men and equipment to defeat him. The want of them was so great, said Washington, that no trouble or expense must be spared to obtain them. So Knox, a military amateur, who had been helping engineer the fortification, came to Washington with a plan. Why not go after the guns captured from the British Forts on Lake Champlain? It was impossible, but Knox, with a new Colonel's commission in his pocket and only 25 years old, set out for New York on November 17, 1775. Racing as best he could on horseback over frozen roads, Knox and his brother William reached Fort Ticonderoga on December 5. Most of the guns captured the previous spring by Ethan Allen and Benedict Arnold were beyond use, but Knox selected 59, ranging in size from as little as four pounders to mighty 24 pound guns. Knox arrived at Washington's camp with an advance contingent on January 18, and the "noble train of artillery," as he called it, was delivered on January 24,

1776, 47 days after leaving Fort Ticonderoga.

On March 2, Knox's guns began shelling Boston, and on March 17, the British evacuated the city. That was 200 years ago today and it is the date still celebrated by Bostonians.

It was Knox who personally directed the transport of Washington's troops across the Delaware on Christmas night, 1776. He was awarded the rank of Brigadier General.

Knox was with Washington at Valley Forge. He organized a military academy for the new army. He was at Yorktown and he was the first to embrace Washington in his farewell at the war's end.

This self-taught bookseller-soldier from Boston became a Major General and succeeded Washington as Commander of the Army after the war. Knox became the country's first Secretary of War, which is now called Secretary of Defense, in Washington's Cabinet. He later enjoyed success as a businessman and country squire on his estate in Thomaston, Maine.

Henry Knox did not look like a hero. He was too fat, was entirely too jovial to be taken as a thoughtful genius, but he represented young America, a self-made General, too unsophisticated to be cowed by the impossible. He had the exquisite American capacity to do what couldn't be done, simply because it was there, and he was there, and it needed doing and he knew he could do it when others would dare try.

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

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Blodgett of Waldoboro presented the following Joint Resolution and moved its adoption: (H. P. 2209)

IN MEMORIAM

Having Learned of the Death of Dr. Carl R. Bither Outstanding Citizen of Waldoboro Who Was Dedicated to Serving His Fellowmen

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. Shute of Stockton Springs presented the following Joint Order and moved its passage: (H. P. 2210)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Walter F. Trundy of Stockton Springs Soon to Retire Having Reached 97 Years of Age and Served as Town Clerk for Over 68 Years

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.

House Reports of Committees Ought Not to Pass

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Provide Service for the Mentally Retarded" (H. P. 1957) (L. D. 2146) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and to other Persons" (H. P. 1897) (L. D. 2077) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act to Allow the Board of Environmental Protection to Grant Limited Variances to Statutory Time Schedules" (Emergency) (H. P. 1950) (L. D. 2136) reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-984)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot
WYMAN of Washington
O'LEARY of Oxford
— of the Senate.

Mrs. HUTCHINGS of Lincolnville
Messrs. CURRAN of Bangor
CHURCHILL of Orland
DOAK of Rangeley
McBREAIRTY of Perham
WILFONG of Stow
BLODGETT of Waldoboro
HALL of Sangerville
— of the House.

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

Report was signed by the following members:

Messrs. PETERSON of Windham
AULT of Wayne
— of the House.

Reports were read.
Mr. Curran of Bangor moved the House accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain why I did sign the "ought not to pass" on this bill. This is a so-called Scott Paper Company bill and it results from the fact that in 1967, I believe it was, Scott Paper became aware of the fact that they were going to have to stop dumping pollutants into the Kennebec River by October of 1976.

Three years ago, or thereabouts, they went through a corporate problem of trying to decide whether they would build a treatment plant for this pulp mill that they have in Winslow, whether they would shut down the operation and not have such an operation in the State of Maine or whether they would build a new plant up in that area. They finally did make the decision to

build a new plant outside of Waterville in the Hinckley area, I think it is.

As a result of deciding to build this new facility, they are afraid now that they might not make this October deadline and will not be able to keep open the pulp mill in Winslow. My feeling is that there are a number of other companies in the state who are also aware of the deadline and did do their best to meet such a deadline, so I didn't think it was fair to give Scott the only out. I would urge you to vote against the "ought to pass" report and I would ask for a division.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In reference to some of the statements made by the good gentleman from Wayne, Mr. Ault, I would like to inform him that he is right in saying that the plant is outside Waterville, but he is entirely wrong in saying that the plant is in Hinckley. The plant is in Skowhegan. The lagoon for the sewerage is in Hinckley.

What this amounts to is a \$200 million investment in a new facility, a completely new pulp mill, a very highly sophisticated pulp mill, and at the hearings that were held to get the license to go ahead and build, it was pretty well stipulated that there would be hardly any, if any odor at all coming from that mill, and if this happened, it would only be for a period of a couple days a year.

I think Scott Paper or any company has a right to have a variance when it comes to discharging waste if they are moving in an area to change their setup so that they will not be discharging any waste.

This is what Scott Paper has done in the plant in Skowhegan. The plant will be almost self sufficient. The water that is taken out of the Kennebec to be used in the paper making and the pulp process will go back into the river cleaner than when it was taken out in its initial stage. The plant will be almost self sufficient as far as its power generating needs are concerned. For the first time in the history of the state, this mill will be utilized to the fullest extent. The waste will not be left in the woods. The trees will be transported to the mill, the bark will be burned, the black liquor will be burned and reclaimed for heat sources to generate steam for drying and power generation.

If the DEP is not allowed to grant a variance, it very well could close down the Winslow plant and put people out of work. I think we are in a bad enough financial crunch in this state now, and while we don't want polluters to go on without some abatement, at the same time, we have got to realize that we can't go out and close down the whole State of Maine and take every car off the roads to make this a Garden of Eden, because the state still requires revenue. And to put a burden on a community by not granting a variance or to put a burden on an industry that has shown good faith by the investment of \$200 million in the State of Maine, and when they are asking for a little time, then I think it would behoove this legislature or any other legislature to grant the right to the agency to extend that time limit. They are not asking that this be extended forever, they are asking that this only be extended for a short length of time.

They have had construction problems. The winters in Maine are bad. We have experienced a bad storm last night. This slows down construction. But as it looks now, it is still possible to meet the October 1, 1976 deadline. But if it should not be

possible because of any act of God, then I would hope that this agency would have a right to grant the variance. I would hope that we would accept today the majority "ought to pass" report and I would ask for a roll call.

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 the motion of the gentleman from Bangor, Mr. Curran, that the Majority "Ought to pass" Report be accepted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carroll, Carter, Chonko, Churchill, Connors, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garson, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hinds, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jacques, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, Lewin, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morton, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Tarr, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Ault, Berry, P. P.; Call, Jensen, Kelleher, LaPointe, Lewis.

ABSENT — Bennett, Carey, Carpenter, Clark, Connolly, Cooney, Cote, Davies, Gauthier, Hall, Hobbins, Hutchings, Jalbert, LeBlanc, Leonard, Littlefield, Lizotte, McMahon, Morin, Mulkern, Palmer, Peakes, Peterson, T.; Quinn, Smith, Strout, Talbot, Teague, Tierney, Webber.

Yes, 113; No, 7; Absent, 30.

The SPEAKER: One hundred thirteen having voted in the affirmative and seven in the negative, with thirty being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-984) was read by the Clerk and adopted and the Bill 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 to Require an Annual Governor's Report on Employment and the Economy" — Committee on State Government reporting "Ought to Pass" (S. P. 720) (L. D. 2256)

Bill "An Act Relating to the Formation of Political Parties and to Political Designation" — Committee on Election Laws reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-985) (H. P. 1960) (L. D. 2140)

Bill "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud against the State" (Emergency) — Committee on Performance Audit reporting "Ought to Pass" (H. P. 2155) (L. D. 2290)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 18, 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 Relating to Requests for Absentee Ballots" (H. P. 2062) (L. D. 2232)

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 Regulate Drinking Water" (S. P. 687) (L. D. 2198) (C. "A" S-431)

Bill "An Act to Prohibit Embalming when an Autopsy has been Authorized" (S. P. 659) (L. D. 2084) (C. "A" S-424)

Bill "An Act Relating to the Maine Transportation Board" (H. P. 1858) (L. D. 2026) (C. "A" H-974)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Concerning Insurance Coverage for Blind Persons (S. P. 637) (L. D. 2012) (C. "A" S-425)

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, 113 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning the Administration of Medicine to Inmates of County Jails (S. P. 668) (L. D. 2127) (C. "A" S-423, H. "A" H-972)

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, 113 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act Relating to the Initiative and Referendum Processes (H. P. 2027) (L. D. 2203) (C. "A" H-954, S. "A" S-426)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, I move

this be tabled two legislative days pending passage to be enacted.

Whereupon, Mr. McKernan of Bangor requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that this matter be tabled pending passage to be enacted and specially assigned for Friday, March 19. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I apologize that I didn't get to the sponsor of the bill to explain why I wanted this tabled, but I think another member of the body will do so.

I have one question in addition to perhaps having an explanation of what the bill does. The question is, last year the people of the State of Maine voted that the legislature should be on annual sessions. I believe the Constitution also provides that initiative petitions can only be submitted to the legislature during the regular session of the biennium. My question is, with the transition to annual sessions, will initiative petitions be able to be presented to the legislature during both of the regular sessions?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to anyone who may care to answer.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and it doesn't deal with the issue that the gentleman from Stonington raises. We did, if you recall, in the regular session include in the constitutional amendment, which was passed here and ratified by the people, a provision that said that initiative measures could be brought to either regular session, so they will be able to be introduced in either year.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for being asleep at the switch. When Mr. Greenlaw stood up to ask his question, I asked him to make a tabling motion on this, and the reason is that before I was sick last week, in the Judiciary Committee we discussed an amendment to the bill which would have made some changes as to the number of people who originally were included in the document that was filed with the Secretary of State to start the petition process rolling. We also wanted to build in some flexibility into the appeal procedures so that there would not be one voter who had to take the appeal if the petition were denied by the Secretary of State on the theory that that one voter might be in California or he might be in a coma or there might be all sorts of reasons why he wasn't in a position to take the appeal. The solution that we intended was that five voters would be listed in the application for the petitions and then that any one of those five would be able to file an appeal.

The way the bill actually was written last week and reported out, it requires that all five take the appeal, so if four of

them wanted to and one of them didn't, you might not be able to appeal that decision. So the staff of the Judiciary Committee is now working on an amendment that would build some flexibility into the appeal provision so that it wouldn't require that all five join in the appeal, which I think would be an unworkable provision.

I would hope that somebody would move to table this for one legislative day.

Thereupon, on motion of Mr. McKernan of Bangor, tabled pending passage to be enacted and tomorrow assigned.

Emergency Measure

An Act to Clarify the Authority of the National Guard in Providing Emergency Medical Services (H. P. 2051) (L. D. 2226) (C. "A" H-962)

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. 113 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.

Orders of the Day

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

House Report — "Leave to Withdraw" — Committee on Business Legislation on Bill, "An Act to Require Home Health Care Coverage to be Offered in all Health Care Policies and Contracts" (H. P. 2088) (L. D. 2247)

Tabled — March 15 by Mr. Theriault of Rumford.

Pending — Motion of Mr. DeVane of Ellsworth to Recommit to the Committee on Business Legislation.

Thereupon, Mr. DeVane of Ellsworth withdrew his motion to recommit.

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

Mr. PIERCE: Mr. Speaker, I would now make a motion that this bill be recommitted to the Committee on Business Legislation.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: Since the Chairman of the Business Legislation Committee is not present again today, I would suggest this be tabled one more day, until she can return.

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

Mr. PIERCE: Mr. Speaker and Members of the House: I can't speak for the Chairwoman of the Business Legislation Committee who isn't here. I would suggest, however, I think the procedure she would rather have at this point to move the bill along is to have it back in committee. I think we can deal with it there very rapidly and get it back here so it would be on the calendar again by Friday.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Pierce, that this Bill be recommitted to the Committee on Business Legislation. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 42

having voted in the negative, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Again today it may sound like the needle is stuck in the groove of the record, it may sound like the same theme is playing over and over but, again, I am quite concerned with what some agencies in this state do and how they report things to their membership on how previous legislators have granted them the right or the privilege of being an instrumentality of this state.

Today, I am referring specifically to the Maine Municipal Association. They have, in this session, distributed on each of our desks at various times what they term a "Legislative Bulletin" and I am specifically referring to the one No. 5, February 13, 1976.

I don't mind any agency or any person or any group of people that opposes any bill or any measure before the legislature, whether it is my bill or a bill of a committee that I have served on or any other way, but I do mind and I am concerned when they report to the people and when they print in their bulletins something that is an absolute falsehood. Maybe using the word falsehood is a more refined way, but back in the area where I come from, we term them absolute lies.

I am referring to a bill that will be heard today before the Committee on Local and County Government. In the legislative bill that was put out by Maine Municipal on February 13, they said that this bill will expand and give additional powers and they go on to list the additional powers. I will not burden this house with listing these or reading it, but I will read one part. It says, that in addition to powers presently exercised by counties, the bill would add that the county may raise or appropriate money for operating expenses. This is something that every county has a right to do. We raise money in the legislature for operating expenses and the counties, under the present form, raise money to operate. There is nothing in this bill that expands. They have lied to the people. Evidently, they upheld a legislative committee meeting or whatever they want to term it but again they have misinformed the people.

Letters have appeared through various newspapers in this state, ridiculous letters, letters that are absolute falsehoods. The most recent one appeared on March 15 in the Portland Press Herald titled "Contradictions." It refers to an interview that was held by the KJ reporter with me over the phone.

Maine Municipal Association has seen fit to go around to their members and to meetings of their members and say this bill was a hurriedly drafted bill that came out of the Local and County Government Committee. This bill was not hurriedly drafted. The Joint Select Committee, which was established by this legislature, traveled over the state, held public hearings and devoted a lot of time to this bill.

The chairman of that committee, the house chairman is Roger Snow. Maine Municipal has seen fit to label this as my bill, they term me as chairman. I think that the Joint Select Committee of which Roger Snow was chairman did an

excellent job. They fully studied the bill and we worked practically all summer on it. It was not hurriedly drafted. I am amazed that any organization which takes money from municipalities in this state as membership dues would resort to this low-handed, dirty method of informing their municipalities what is pending before this legislature, and I would hope that Maine Municipal, in the future, would study these things a little more before just coming off of the top of their heads with a statement which is ill-conceived and not true.

It is true that in the case of the uniform fiscal year, which I spoke on, they did in their next bulletin say that they had made an error, but after you put out this trash for the people to read, it is easy then to say we made an error. It reminds of when you go into a court case and a witness will come out with a statement that could be real damaging to one side or the other, the judge will say, I want the jury to disregard this. But once that statement is made, whether it is made verbally or made in print, it becomes a lasting impression on the people's minds.

I would hope maybe now that we are winding down this session, we won't have this with Maine Municipal, but I would hope that if they continue to function as a municipal advisory organization in the next session, they will not report this stuff out until they have given it an adequate study.

During the regular session I had a bill in to remove the instrumentality from this association, and it may be necessary the next time to put that bill back in unless they change their ways of doing business.

Mr. Laffin was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, when I left the House I did a lot of thinking and last night, also. I am probably one of the most crucial deterrent members of this house as far as the newspapers of this state is concerned, namely, the Guy Gannett newspaper. I have been very critical of them publicly and privately. I have been critical of their editorial department because they write things with no signature.

I believe that newspapers have a right to print whatever they choose, just like I have a right to stand here and tell my feelings to the members of this house. I support the freedom of the press entirely. I will admit sometimes I would like to know who says a certain thing, and when it is said, they have a right to say it because that is their belief.

Yesterday, I was critical, not of a certain individual, but members of this house named a person from the Bangor Daily News, Mr. Day. I do not know Mr. Day, I do not know the Bangor Daily News because we are a captive audience in Cumberland County with one newspaper, so we don't have a choice either. But I admire a man who will come into this house, sit down and be attacked by members of this house, justifiable or not is not the case, but to sit here and take his punishment, a man of that caliber must be admired. I wish that there was a member from the Guy Gannett newspaper who could sit in that corner, because I have some things that I would like to say about them, but I don't think they will ever come up here.

This has bothered me. I wrote a speech.

on this last night and while the storm was blowing and the wind was howling outside, I didn't know whether to give it today or not and this morning when I came here I was still undecided, so I decided that this morning I would not give my prepared speech, I would say what I felt from my heart at the time or talking and sometimes, I don't do that very well. Sometimes I get carried away and I forget what is on the paper anyway, but I do feel that our newspapers are important, I do feel that editorials are important. I don't have to agree with them and neither do you. I do know that many people do agree with them, because they only tell, the majority of the time, their side of the story. Nevertheless, it is a very important part of our lives to have the news media in this state capital. It is the only way that the people will get the news back home.

I do admire a man who will come in just to sit down, regardless of who he is, regardless of where he comes from, to be criticized, to accept it and to walk out.

The SPEAKER: The Chair is pleased to recognize the gentleman from Rockland, Mr. Curtis, as being present with us today.

Mr. Curtis of Rockland was granted unanimous consent to address the House.

Mr. CURTIS: Mr. Speaker and Members of the House: I simply wish to say, even though it is a very stormy day I am very happy to be back here working with you. (Applause)

(Off Record Remarks)

On motion of Mrs. Byers of Newcastle,
Adjourned until ten o'clock tomorrow morning.