

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, April 16, 1976

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

Prayer by Representative Georgette Berube of Lewiston.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 809)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Charles J. Arbor Upon His Retirement After Serving 29 Years in the Field of Education the Last 13 Years as Principal of Cony High School

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: The following Joint Order: (S. P. 810)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Maurice Violette Author of The Franco-Americans

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.

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

Passed to Be Enacted

An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine (S. P. 760) (L. D. 2310) (S. "A" S-581)

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

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Due to an unfortunate misunderstanding caused by an intemperate remark of mine some time ago on this professional health fund bill, doubt has been cast on the honor and integrity of certain legislative assistants. First, I wish to apologize to Representative Carey for having caused a misunderstanding on his part. More importantly, I want the record to show that the integrity of Robert Clark, our Education Committee legislative assistant, is above reproach. In drafting Senator Katz bill, he did not violate any principles or violate the trust of him or Jim McKenna, who drafted my bill; with common professional interest, they exchanged only such information that would not have been privileged. Although I would be flattered to think that Mr. Clark or Senator Katz need my files to produce a bill, that certainly was not

the case. Both are quite capable of doing their own thinking.

The legislature is fortunate, indeed, to have such talented and dedicated staff, and I am especially grateful to both Clark and McKenna for the help they have given to me in this session.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Under suspension of the rules, the following papers appearing on Supplement No. 3 were taken up out of order:

Mr. Morton of Farmington presented the following Joint Order and moved its passage: (H. P. 2352)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Scott Gould of Farmington, Maine who has Earned the Title and Distinction of Eagle Scout in Troop No. 586

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. Doak of Rangeley presented the following Joint Order and moved its passage: (H. P. 2353)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Craig Neil of Strong, Maine Who Has Earned the Title and Distinction of Eagle Scout in Troop No. 586

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.

By unanimous consent, the previous two Joint Orders were ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government (S. P. 790) (L. D. 2341)

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

Mr. Stubbs of Hallowell moved the rules be suspended for the purpose of reconsideration.

Mr. Rolde of York requested a vote on the motion.

The SPEAKER: All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Stubbs of Hallowell requested a roll call vote.

The SPEAKER: 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 Hallowell, Mr. Stubbs, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of those present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Burns, Byers, Carpenter, Churchill, Curtis, Dam, Doak, Durgin, Dyer, Farnham, Faucher, Garsoe, Gould, Hall, Higgins, Hunter, Hutchings, Immonen, Jackson, Kany, Kelley, Laverty, Lewin, Lewis, Littlefield, Lunt, Mackel, McBreaarty, McKernan, McMahon, Miskavage, Morin, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rollins, Shute, Snow, Sprowl, Strout, Stubbs, Tarr, Teague, Torrey, Tyndale, Usher.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Call, Carey, Carroll, Carter, Chonko, Clark, Connolly, Cote, Cox, Curran, P.; Curran, R.; Davies, Dow, Drigotas, Dudley, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, Mills, Mitchell, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Spencer, Susi, Talbot, Theriault, Tierney, Tozier, Twitchell, Wilfong, Winship, The Speaker.

ABSENT — Bowie, Bustin, Conners, Cooney, DeVane, Farley, Greenlaw, Hewes, Hinds, Kauffman, Lizotte, Lovell, MacLeod, Martin, R.; Mulkern, Peakes, Rideout, Silverman, Smith, Snow, Truman, Wagner, Walker, Webber.

Yes, 53; No, 74; Absent, 24.

The SPEAKER: Fifty-three having voted in the affirmative and seventy-four in the negative, with twenty-four being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Lovell of Gray, Recessed until twelve o'clock noon.

After Recess

12:00 Noon

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government. (S. P. 790) (L. D. 2341) which was passed to be enacted in the House on April 16, 1976.

Came from the Senate, with that Body having reconsidered Engrossment and under

suspension of the rules, adopted Sente Amendment "G" (S-587) and Passed the Bill to be Engrossed as Amended by Senate Amendment "G" in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to adhere.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent.

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191) asked leave to report: that they were unable to agree.

Signed:

Messrs. BIRT of East Millinocket
WINSHIP of Milo
FINEMORE of Bridgewater
— of the House.

Messrs. GREELEY of Waldo
O'LEARY of Oxford
WYMAN of Washington
— of the Senate.

The Report was read, accepted and by unanimous consent, ordered sent forthwith to the Senate.

Mrs. Najarian of Portland was granted unanimous consent to address the House.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I rise out of protest to a letter that was distributed in the Senate without any name. It was a letter addressed to me by the Affirmative Action Officer, Pat Schroeder, in which she outlined all the advantages of the Hay Report. It is just another example of the shoddy, dirty, underhanded manner in which the Governor's Office has been operated. It was asked to be distributed in the House and fortunately our Clerk has it setting in a box in his office. I am personally insulted and embarrassed and offended.

Mrs. GOODWIN of Bath was granted unanimous consent to address the House.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I have prepared an amendment which will probably have to be prepared again under another number which will delete the appropriation for the Governor's Council on the Status of Women. I feel that I must do this, since I was the sponsor of the appropriation for the Status of Women and I was responsible for having it put within the Appropriations Bill. But I will not have this appropriation used to betray state employees, men or women.

Mr. Talbot of Portland was granted unanimous consent to address the House.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I have sat and listened to a lot of comments about the dealings that we have been having with the gentleman on the second floor, mostly concerning, let him go, let him do his thing, and he will hang himself. There is only one of those reasons where this comes true, because over two years ago, just after we took office, the Governor made a statement that he had done more for minorities, which include women, than any other governor in the history of this state. I took that to effect and comment on the fact that in fact that he had done less, and he has proven that today.

I guess I would like to make one more comment while I am on my feet, because I haven't said anything on this bill up to this point. I have sat and I have listened and I have taken it all in and now I guess the only comment that I would like to make is that in fact this goes to the other body and it is passed and it is sent down

to the Governor's desk where the Governor has said he will veto that particular measure and this Legislature goes home and comes back in another week, maybe it might be a good idea if all state workers go home for a week and we all come back and start out fresh.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't really expect to come back after that last vote and find that we are now going back into the rancor and the problems of dealing with the Governor on the second floor.

I believe that we have all been working the last few weeks in trying to effect some kind of a compromise on pay raises to employees. I think that members of both parties have worked diligently and I want to say, too, that the gentleman on the second floor has been doing the same thing. I think it is ridiculous, in the middle of this thing now, because the Governor's Advisory Council on the Status of Women puts out a little note, that we are going to take away their money just because they don't agree with the majority in this House. This is not the way that I think we normally operate. Sometimes we win; sometimes we lose. But I am here to defend the Governor this morning against these charges and to say that I believe that he is working in his way, it may be different than your way, but I don't think he is deserving of some of the comments we hear here day after day.

Mrs. Najarian of Portland was granted unanimous consent to address the House.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: If I had put on a scale our positions and the Governor's positions, I would say he would have moved, if it were one to a hundred, he has moved from one to about three.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is all depending on whose scale you are reading.

Mrs. Clark of Freeport was granted unanimous consent to address the House.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: As the sponsor of a piece of legislation creating a permanent Governor's Advisory Council on the Status of Women in the 106th Special Session, I would like to respond to the remarks of the House Minority Floor Leader, Representative Palmer of Nobleboro, who, at this time, is defending the appropriation for that commission. I would remind him of the story of the little red hen which he so eloquently shared with us that memorable morning in the 106th Special Session.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the gentlelady from Freeport that I wasn't here defending the appropriation of the Governor's Advisory Council on the Status of Women. I was just simply defending someone's right to express their own opinion without having their tunds cut off.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, think I share in the feelings of the gentleman in the left-hand corner, Mr. Palmer, in regards to the Governor. I think the Governor has been trying to come up with an acceptable pay plan and acceptable proposal. I think this is clear evidence

this morning in the latest letter that he has had transmitted to this body saying that he has asked for a bill to be reported out.

Now, regardless of who sends out any communication, anyone can read into it what they would like to read into it or they can read out of it what they would like to read out of it. Personally, I think this whole pay deal has become a political football of whether one side is going to get their way or the other is going to get their way, and they are going to use the office down on the second floor as their scapegoat. But I am sure that when we come back we can enact a pay plan, that we can enact a plan that will benefit the people of this state and that we can go home feeling we have done a responsible job and we can go home with a good relationship between this party and the other party and also the party on the second floor.

Right now, I think we are all a little up tight over this and there is a lot of talk being made against the different parties, both parties, and against the gentleman on the second floor. But, personally, I feel that he is compromising, he has compromised and he will further compromise, and we will come up with a suitable and adequate solution to the problem.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort the gentleman from Bangor, Mr. Kelleher, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Kelleher assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If it isn't obvious to everyone in this body at this point that everyone is getting a little tired, nervous and irritated, then I don't think that we really have been watching very closely.

As I indicated to members of this body a couple days ago, it is easy to put blame, it is easy, I suspect, to direct it at anyone that we wish to be frustrated about at any given time, maybe at times with cause, and maybe sometimes not, maybe at times caused by rumors that persist around the legislative halls.

I come off the rostrum today to at least relate to you the conversation that I had with the Governor this morning, because I think it is that important, so that all the members of this body will be aware and perhaps outside of this body.

Some of us consider and understand compromise to mean one thing and others define the word compromise in a totally different way. That is one of the problems, I suspect, with having to work with an individual on the second floor who has never really been involved in the political process prior to this time. I think, however, as time develops, that I am sure he will understand the system and understand the way that the legislative body works in a much clearer way. That, I think, will be to everyone's advantage — to ours, to the people of Maine and to us as well.

The Governor's latest proposal, as was discussed a few minutes ago on the record by the gentleman from Skowhegan, Mr. Dam, was discussed with me this morning and it clearly, to me, as I indicated to him, appeared to be unacceptable at this point. Basically what that would be, additional dollars would be put into the so-called bonus plan and that, in my opinion, is not much different than what had been rejected in the past by this body.

I think all of us here know that we have to do something for state employees, as does the Governor. My suggestion has been, at this point in time, we perhaps ought to consider the thought of recessing for just a little while to let

everyone involved, not only ourselves but other people, have time to think the thing through.

As I indicated to members of the Democratic caucus this afternoon, one of the things that frankly has bothered me throughout this whole discussion has been the fact that 184 of us have been asked or have been forced, one or the other, to mediate a labor dispute.

One of the things that transpires when a board of directors as big as ours attempts to get involved in that process is that it is extremely difficult to reach consensus. I think one of the ways that this can be solved within the week, maybe, that we are going to take away from Augusta is the opportunity for all sides, including members of this body, to think and rethink their positions to perhaps come out with a workable compromise.

Compromise is not a dirty word, neither is the word politician. I am proud to be one and I think everyone in this body is too. I think we earn that definition rightfully when we do what we think is right, and compromise has to be part of that process.

I think the Governor understands that more clearly now than he did before. I think it is unfortunate that some people on the Committee on the Status for Women don't, to be quite frank, after reading that letter, some of you, I think, hadn't seen it. I think it was rather unfortunate and I think maybe they will rethink their position between now and then.

I think the worst thing that can happen as we leave here today is to solidify our position even more. If that is not a problem, it is going to become one.

Some of you have a copy of the press release that was given by the Governor's Advisory Council on the Status of Women, that is one thing. But if you get an opportunity to read the letter that was addressed to the gentlewoman from Portland, Mrs. Najarian, in a private communication to her, which was then distributed to the other body, then you would have reason to understand why the gentlewoman is upset. I think that is the key and that is the difference.

I think as we leave here today, maybe come back a week from now, I hope that all of us know that we have to do something, and it may well be in the final analysis the right thing for us to do, will be to override the Governor's veto on the bill which might go down to the Governor's desk. That may well be the conclusion that we are going to arrive at. I don't know. All I ask of you as you leave today, as the Governor would say — think about it.

At this point, Speaker Martin returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted Mr. Kelleher to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

Mr. Palmer of Nobleboro, was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the remarks of the Speaker, and I want to make one thing clear here. In my remarks on the Governor's Council of the Status of Women, I was referring to a press release I have on my desk which I find nothing wrong with at all. It simply addresses the problem of equal pay for equal work and a proper classification system. I thank the Speaker for pointing out the other problem, which I did not know about at the time, but certainly on the basis of this release here, I could not, nor could anyone in this House, criticize a councillor for a statement such as that.

Mr. Farnham of Hampden was granted unanimous consent to address the House.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: For a long time I have wanted to read a little piece of poetry and say a little prayer that might be appropriate at this time. You know, I am one of the flag wavers in the House. I am tremendously proud of my country, equally proud of my state.

This is my country,
The land that begot me,
And those who here toil
Are flesh of my flesh and bone of my bone.

Hard is the day's task
Maine, stern mother
Wherewith at all times thy sons have been faced.

Yet do they children honor and love thee,
Harsh is thy schooling, yet great is the gain
True hearts and strong limbs, the beauty of faces,

Kissed by the wind and caressed by the rain.
PRAYER FOR MAINE
Lord make us, the men and women of Maine
Straight and honest as Bowdoin pines
Independent as Monhegan
Open and warm as a church supper in Skowhegan
happy as Rockland on Lobster Day
clean and clear as sun after rain on the beach at Wells

useful as Aroostook potatoes, B & M beans
and Wyman's blueberries
bright as the light on Cape Elizabeth
strong and pure as a white steeple in Bangor,
plain as the pews inside
industrious as a paper mill
conscious as Yankee rock farmers are of everlasting things
courageous in all weather like lumbermen
and fisherfolk
wise as old sailor men piping beside a Down East sea

fast and full of purpose as a Friendship sloop
in Muscongus Bay
high in our faith as dawn on Katahdin and Cadillac

daring of new things like they were before us
who made this hard place home.

And, if it be Your will, God of our Fathers,
let what we are radiate out of us
so that it can indeed be said again — Dirigo

I direct — as Maine goes so goes the Nation.
On this Easter weekend, let me say, Lord,
God of Hosts, be with us yet, lest we forget,
lest we forget.

On motion of Mr. Rolde of York, the House voted to take from the table the following tabled and Unassigned Matter:

Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees" (S. P. 618) (L. D. 1950) — In Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (S-507) as Amended by Senate Amendment "A" (S-520) thereto.

Tabled — April 15 by Mr. Rolde of York.
Pending — Passage to be Engrossed as Amended in concurrence.

Mrs. Goodwin of Bath offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1296) was read by the Clerk.

The **SPEAKER:** The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: As you probably all realize, L. D. 1950 is kind of the stopgap for retirees just in case for some reason we are unable to agree on a budget bill of any kind so that the retirees will get a cost of living increase.

Also, in all versions of the appropriations bill, A, B, C, D, E, F, G, or whatever, has been languaged to pass along a federal cost of living increase to recipients of SSI this summer.

What will happen this summer is that all people on SSI will get a 6.7 percent cost of living increase, but since the State of Maine pays more to its SSI recipients than the federal government level, it would not be necessary for the state to pass this one. In other words, the state could save the money and people would, in effect, then get no cost of living increase; they would continue to get the amount of money they are receiving now.

This is merely legislative intent language. This does not become part of the statutes, and I would just like to put this on this bill in the event, the catastrophe, that we have no budget bill, that our retirees and our SSI recipients will get a cost of living increase this summer, and there is no appropriation involved.

The language was written for me by Mr. Kozak the Department of Human Services and approved by Commissioner Smith.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto and House Amendment "B" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Palmer of Nobleboro,
Recessed until two-thirty in the afternoon.

After Recess
2:30 P.M.

The House was called to order by the Speaker.

From the Senate: The following Joint Order: (S. P. 812)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, April 26, at two o'clock in the afternoon.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

(Off Record Remarks)

On motion of Mr. Susi of Pittsfield,
Adjourned until Monday, April 26, 1976, at two o'clock in the afternoon.