

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, January 23, 1975
Senate called to order by the President.
Prayer by Rev. James Brosius of Windsor.
Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules, on motion by Mrs. Cummings of Penobscot:
ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, January 28, at 10 o'clock in the morning. (S. P. 95)

Which was Read.
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, before passage of this order, it occurred to me that perhaps some of the newer members of the Senate wonder why this order is presented every Thursday morning. The answer is simply that the joint rules provide that neither house may adjourn for more than one day without the approval of the other house. Therefore, for the weekend it does require a joint order so that both branches may adjourn to the beginning of next week.

I move passage of the order.
The PRESIDENT: Is it now the pleasure of the Senate that this order be passed?
The motion prevailed.
Under further suspension of the rules, sent down forthwith for concurrence.

Papers From The House

Joint Order

STATE OF MAINE

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of
Kennebec Valley Conference
Coach Of The Year
Ray Caldwell

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. (H. P. 211)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

Joint Order

STATE OF MAINE

In the Year Of Our Lord One Thousand Nine Hundred And Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Mt. Blue High School

"Cougars"

State Class "B" Football
Championship - Fall of 1974

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. (H. P. 210)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of
Lewiston High School

Undeclared Freshman Football Team

For The Year 1974

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. (H. P. 272)

Comes from the House, Read And Passed.

Which was Read and Passed in concurrence

Joint Resolution

STATE OF MAINE

In The Year Of Our Lord One Thousand Nine Hundred and Seventy-five.

IN MEMORIAM

Having Learned Of The Death Of
WHITNEY LONG WHEELER

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. (H. P. 212)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

Bills, Resolves, and Resolutions today received from the House requiring Reference to Committees were acted upon in concurrence.

**Senate Papers
Business Legislation**

Mr. Katz of Kennebec presented Bill, "An Act to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances." (S. P. 96)

Mr. Berry of Cumberland presented, Bill "An Act Relating to the Registration and

Practice of Professional Engineering." (S. P. 112)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Conley of Cumberland presented, Bill, "An Act Relating to the Advertising and Posting of Drug Prices." (S. P. 97)

The same Senator presented, Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names." (S. P. 98)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Human Resources

Mr. Clifford of Androscoggin presented, Bill, "An Act Requiring the Ramping of Curbs at Crosswalks for Physically Handicapped and Elderly Persons." (S. P. 108)

Which was referred to the Committee on Human Resources and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Graffam of Cumberland presented, Bill, "An Act to Prohibit Swimming or Diving from a Bridge on a Public Highway." (S. P. 99)

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Hearings for Applications for Liquor Licenses." (S. P. 101)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Liquor Control

Mr. Graffam of Cumberland presented, Bill, "An Act to Eliminate the 10-day Advance Notice Requirement on License Applications to Sell Liquor at Certain Gatherings." (S. P. 102)

The same Senator presented, Bill, "An Act Relating to Transfer of Licenses under the Statutes Regulating Alcoholic Beverages." (S. P. 103)

Which were referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

Marine Resources

Mr. Graffam of Cumberland presented, Bill, "An Act Relating to the Sale of Crawfish." (S. P. 104)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Berry of Cumberland presented, Bill, "An Act to Amend the Wastewater Treatment Plant Operator Statute." (S. P. 111)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Cianchette of Somerset presented, Bill, "An Act Relating to Experimental Signs at Railroad Crossings." (S. P. 109)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Conley of Cumberland presented, Bill, "An Act Concerning Appointments to all Regulatory Boards and Commissions." (S. P. 106)

Mr. Clifford of Androscoggin presented, Bill, "An Act to Provide for a Licensed Practical Nurse on the State Board of Nursing." (S. P. 107)

Mr. Katz of Kennebec presented, Resolution, Proposing an Amendment to the Constitution to Require a Roll Call Vote Upon all Bills on Final Passage. (S. P. 105)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Transportation

Mr. Merrill of Cumberland presented, Bill, "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises." (S. P. 100)

Mr. O'Leary of Oxford presented, Bill, "An Act to Provide for Flashing Red Lights on Buses used for School Purposes by Houses of Religious Worship." (S. P. 110)

Which were referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Legal Affairs on, Resolve, to Reimburse Mrs. Betty Mills of Portland for Damage to Property caused by Escapees from the Boys Training Center. (H. P. 29) (L. D. 37)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-4).

The Committee on Legal Affairs on, Resolve, to Reimburse William Rich of Buckfield for Loss of Beehives by Bear. (H. P. 65) (L. D. 77)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-5)

Come from the House, the Resolves Passed to be Engrossed as Amended by Committee Amendments "A"

Which reports were Read and Accepted and the Resolves Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Resolves, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Repeal Requirements for an Atlantic Salmon Stamp under the Fish and Game Law." (H. P. 11) (L. D. 16)

Reported that the same Ought to Pass.

Signed:

Representatives:

MILLS of Eastport
KAUFFMAN of Kittery
PETERSON of Caribou
TOZIER of Unity
USHER of Westbrook
MARTIN of St. Agatha
MacEACHERN of Lincoln

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senators:

McNALLY of Hancock
GRAFFAM of Cumberland
PRAY of Penobscot

Representatives:

CHURCHILL of Orland
WALKER of Island Falls
DOW of West Gardiner

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. McNally of Hancock then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. McNALLY: Mr. President and Members of the Senate: This is a bill which would repeal the salmon stamp that was passed in order to promote the restoration of Atlantic salmon, and it is a bill which is favored more or less by the Department of Fisheries and Wildlife. But it seems to me that there are a lot of good reasons for not removing this law.

There were several who testified in committee that it was hard to enforce, and I just this morning called up Mr. Peppard and talked with him and he said the reason it was hard to enforce was that unless you saw the fellow catch the salmon he could say that he was fishing for trout or black bass or sunfish, or something else, until such time as he did catch the salmon.

But, even if that is so, any law that says that you shall obtain the stamp if you are going to fish Atlantic sea run salmon, along with a regular fishing license, is going to cause some people to be a little bit hesitant about fishing and wait until they do catch a salmon and have the game warden catch them with no stamp.

Now, it was testified to by members of the Narraguagus Fish and Game Club that a unanimous motion had been made to repeal this law by the members of the Narraguagus Fish and Game Club, which sort of amazed me a little bit because I had already talked to some of the native members of the club and they said to me that they thought it was well worthwhile that we still kept the law on the books. They said it helped to give a little bit more room to people to fish for Atlantic salmon, especially on the Narraguagus River, and they thought it would be the same on other rivers and that they were for it. Then later on, after the hearing was over, I approached the witness and he admitted that the only ones who had voted to repeal this law was the out-of-staters that belonged to the Narraguagus Fish and Game Club.

Now, you are going to have many bills in here from Fisheries and Wildlife, and the purpose of them is that their money is all dedicated and has to come from licenses and other means that they can obtain money by, and this is a pretty good reason for not throwing away a small amount of money, as they say, give or take about \$3,000, because I am sure that \$3,000 in my book looks pretty big, when our salary for two years only runs about \$3,500, so probably that is one reason why \$3,000 looks so big to me. But I think that it helps the restoration of the Atlantic salmon which has been fished very hard and is in great need of help. It is going to help out, at least in some small way, the new fish hatchery that we have got up to Reed's Brook, a couple miles out of Ellsworth, and I can't see any harm in the law.

For some reason or other, it got in the law books, I understand, different than the way it was put in. It was put in originally as \$1 for a resident 16 years or older to pay, and it is \$15 for a non-resident, but it was put in for \$10 for a non-resident at the time the bill was put in, and there was no explanation given as to how it got jumped up to \$15. But even at \$15, with the amount of money you pay to go into Canada and fish for salmon, it is a very small amount. I hope that you folks will give this due consideration and realize that it is not a

harmful thing but is a good thing and it does produce money. And all through this, I suspect on even the moose bills it will be said that you need the moose bills because they need money down to Fisheries and Wildlife, but that is neither here nor there; I still feel that the bill should not be repealed.

The PRESIDENT: Is it now the pleasure of the Senate that the minority report of the Committee be accepted in non-concurrence?

The motion prevailed.

Sent down for concurrence.

Senate

Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and Establishing the Size of the Senate. (S. P. 2) (L. D. 2)

Reported that the same Ought to Pass.

Signed:

Senators:

CURTIS of Penobscot
GRAHAM of Cumberland

Representatives:

LEWIN of Augusta
COONEY of Sabattus
FARNHAM of Hampden
PELOSI of Portland
KANY of Waterville
STUBBS of Hallowell
QUINN of Gorham
SNOWE of Auburn
CARPENTER of Houlton

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representative:

WAGNER of Orono

Which reports were Read.

Mr. Curtis of Penobscot then moved that the Senate accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CURTIS: Mr. President and Members of the Senate: This proposal is a reform measure which we have seen before in the halls of this legislature. It is similar to ones that have been proposed before.

The proposal, I believe, has widespread support among the people of the state, and I would suggest that the necessary referendum which would be required for any constitutional amendment to be finally adopted would receive overwhelming support among the people. But first it is necessary that the legislature, and indeed both houses of the legislature, adopt the proposal with a two-thirds vote. So it is important that we understand exactly what the measure is, and I would like to explain that briefly, if I may.

First of all, the proposal would reduce the size of the House of Representatives from 151 members to 99 members.

Secondly, it would establish the size of the Senate at 33. The Constitution now, of course, provides that the Senate may have between 31 and 35 members. Each Senate district under the proposal would be comprised of three House districts, and that provision is one which I suggest would provide some considerable logic for the reapportionment of the legislature in the future. It would make the electoral districts, especially the Senate, more understandable and easier for the people

who are most concerned, the voters, to follow and understand. The constitutional change would require approval of the majority of the voters, as I mentioned before, and that referendum would be in the November election.

Thirdly, the changes proposed would become effective after the next decennial census, which means that the changes actually would become effective about 1984. Although I personally would like to see the changes implemented sooner, I think that no disruption would occur in the present districting until the changes are required anyway and perhaps, as we have just redistricted the House, it would be appropriate to wait until after the 1980 census.

Finally, I would like to point out that in order for this amendment to be effective it is necessary to have single member districts. Otherwise, it would be impossible to combine three House districts, especially in the cities, to make one Senate district.

We will also have before us another report that is coming from the State Government Committee. That one is a unanimous report calling for a change in the Constitution to provide for single member districts, and that particular resolution will be starting in the other body. So I do hope that you will join with the majority of the State Government Committee in adopting this report. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I want to compliment Senator Curtis for sponsoring this legislation which is no stranger to these halls. But one of the wonderful things about the legislative process is that every once in a while a bill that has been up many times before comes of age and is adopted, and I predict that this constitutional change has matured and come of age this session.

I distributed to you this morning and there is in front of you a factual account of representation around the United States, and you will find that presently in the United States there are only five states where a house member has fewer constituents than the State of Maine. They are: Hawaii, which has a unique island situation; we have New Hampshire, and I will let that pass as a special case all by itself; Vermont, which has an equally strong New England tradition; and then there are two other states, North Dakota and Wyoming, great big states in the western part of the country with huge area and very low population.

It has been said that Maine may have a small population but we are geographically a great big state and, consequently, we have special problems, and I think again and again I will repeat to the Senate that the fact is that Maine is a small state geographically. Outside of New England, there are only eight states in the United States which are geographically as small as we are.

It has been argued that if we reduce the size of the house to 99 we will be moving representation away from the people. The fact is that if Senator Curtis's Constitutional Amendment is adopted, and were the house reduced to 99, there would still be only nine states in the country where the average house member has fewer constituents than Maine. This is a very, very modest reduction.

Let's talk about cost for just a minute.

Were the total legislative membership reduced from 184 to 132, we would have a 28 percent reduction in the members of the Maine Legislature, and also we would have a 28 percent reduction, all things being equal, in the legislative payroll. One of the great tragedies in raising legislative pay this session is that our solution for the need for increased legislative compensation is that we take it out of the hides of the taxpayer. Were we to reduce the size of the legislature, we could increase payroll without any increased burden on the members of the taxpaying public. And pay is one of the most important factors in the excessive turnover in the Maine Legislature.

I am sure you will share the sense of dismay which I feel to learn that in the study by Allen Rosenthal, who is the Director of the Eagleton Institute of Politics, covering a ten-year period from 1963 to 1971, the one state in the United States with the highest rate of legislative turnover in the entire nation is our own State of Maine. The Maine Senate had an average turnover in our membership — and I ask some of the older members to look around and identify familiar faces, if you can — the average turnover during this ten-year period in the Maine Senate was something in the order of 59 percent; a tragic loss of experience. The House record was 49.4 percent. The average turnover in the nation is only about 36 percent. And if you ever want permanent employment, go to the United States Senate. That turned over during this period at the rate of about 10 percent, which should come as no surprise. But the relationship between the compensation of a legislature, the quality of its work, and the turnover of its membership is very directly tied in with the consideration.

Previously this has been a case where the Senate enacts it and everybody jokes and then it goes down to the House and it gets killed down in the House. Sometimes it becomes a partisan item because there are within the Democratic Party some people who feel that somehow if the Republicans support a measure they must know something about the result of reducing the House that is not generally known and perhaps there is an advantage to one party or the other. On the Republican side of the legislature there is a great concern that by reducing the House somehow rural interests will be completely obliterated and we will have an urban oriented legislature. But it hasn't been true around the United States and I don't think that it is true here.

I hope that these remarks that Senator Curtis has made and I have made this morning on the record might go to give some notion of the importance which we feel that this measure has in the ultimate improvement of legislative performance in the years ahead.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to speak in opposition to the passage of this bill. I feel strongly that some of the problems that have arisen in Washington have come from the fact that individuals have felt helpless, that they haven't felt any connection with the government forum whatsoever.

I feel that one of the charms of being in the legislature in the State of Maine is the fact that we do have direct contact with many of our voters. I can't see how it could

help but happen that if you increase the number of constituents that a member of the House of Representatives has that he will lose a proportionate amount of personal direct contact, and I think that that contact is extremely valuable, maybe not to the kind of legislation that goes through because I don't know that that would be affected, but to the faith that the constituents and our voters have in our democratic form of government. They must feel that they are heard, they must feel that they can influence bills, and that they can reach their representatives easily. I think this would be a big mistake.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted, the Resolution Read Once and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Relating to the Taking of Alewives in the Town of Whiting, Washington County." (H. P. 12) (L. D. 17)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

Orders of the Day

Mr. Wyman of Washington was granted unanimous consent to address the Senate:

Mr. WYMAN: Mr. President and Members of the Senate: Earlier in this session we passed a memorial resolution on the late Whitney Wheeler and it does seem fitting that a few more words should be spoken.

I have known Whitney Wheeler for a long time, but words are inadequate to express the wonderful character of Whitney Wheeler. It was my privilege to become closely associated with him as a trustee of the Maine Maritime Academy. As one person so aptly expressed, it took a remarkable man to be a tax collector and still be so widely respected and loved.

The passing of Whitney Wheeler is a great loss to the people of the State of Maine.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mrs. Cummings of Penobscot, adjourned until Tuesday, January 28, 1975, at 10:00 o'clock in the morning.